ANNOTATED SHEET

Distributed Virtual SAN Infrastructure

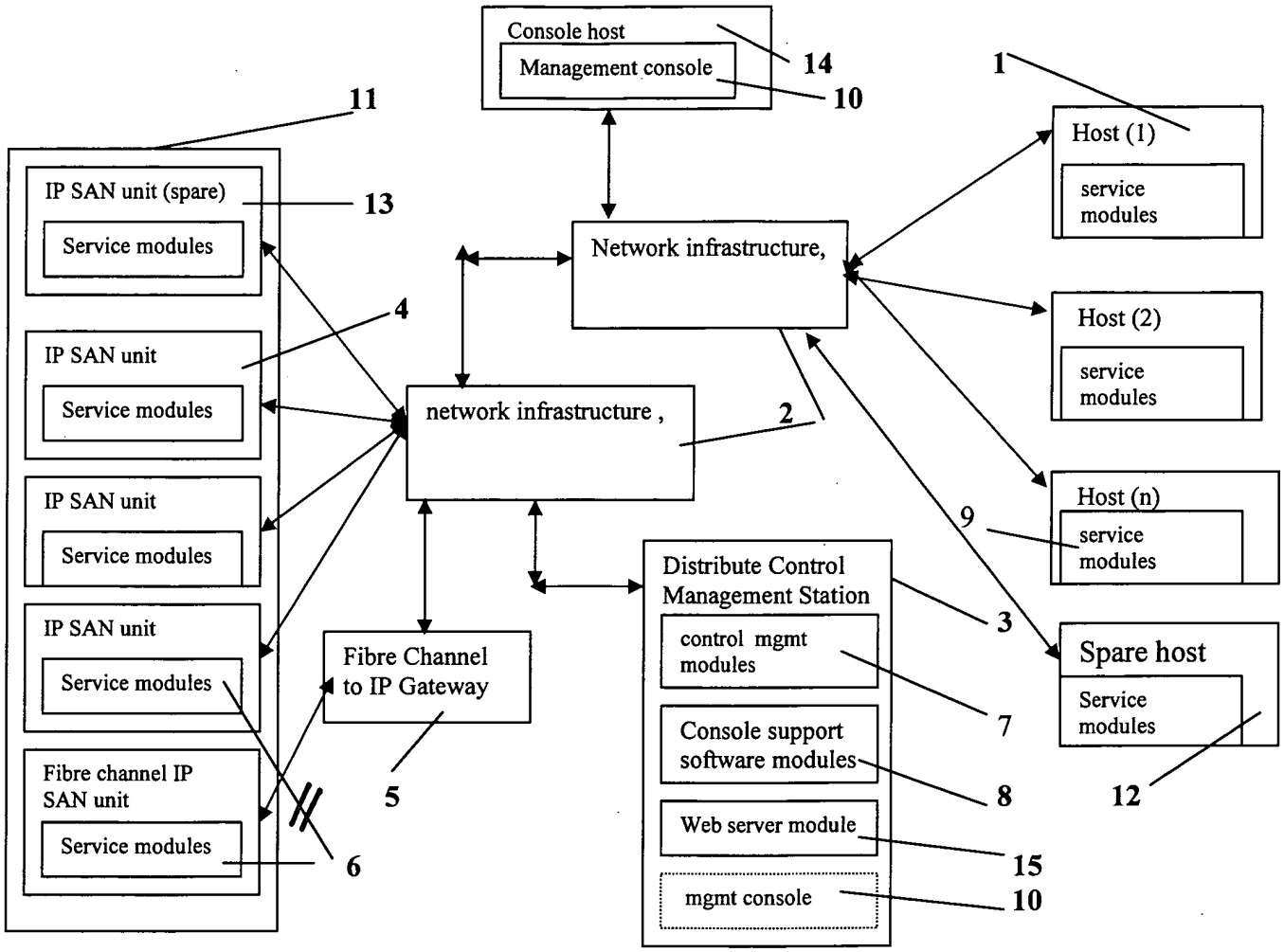

Fig. 1

ANNOTATED SHEET

The Actual Components of Distributed Virtual SAN

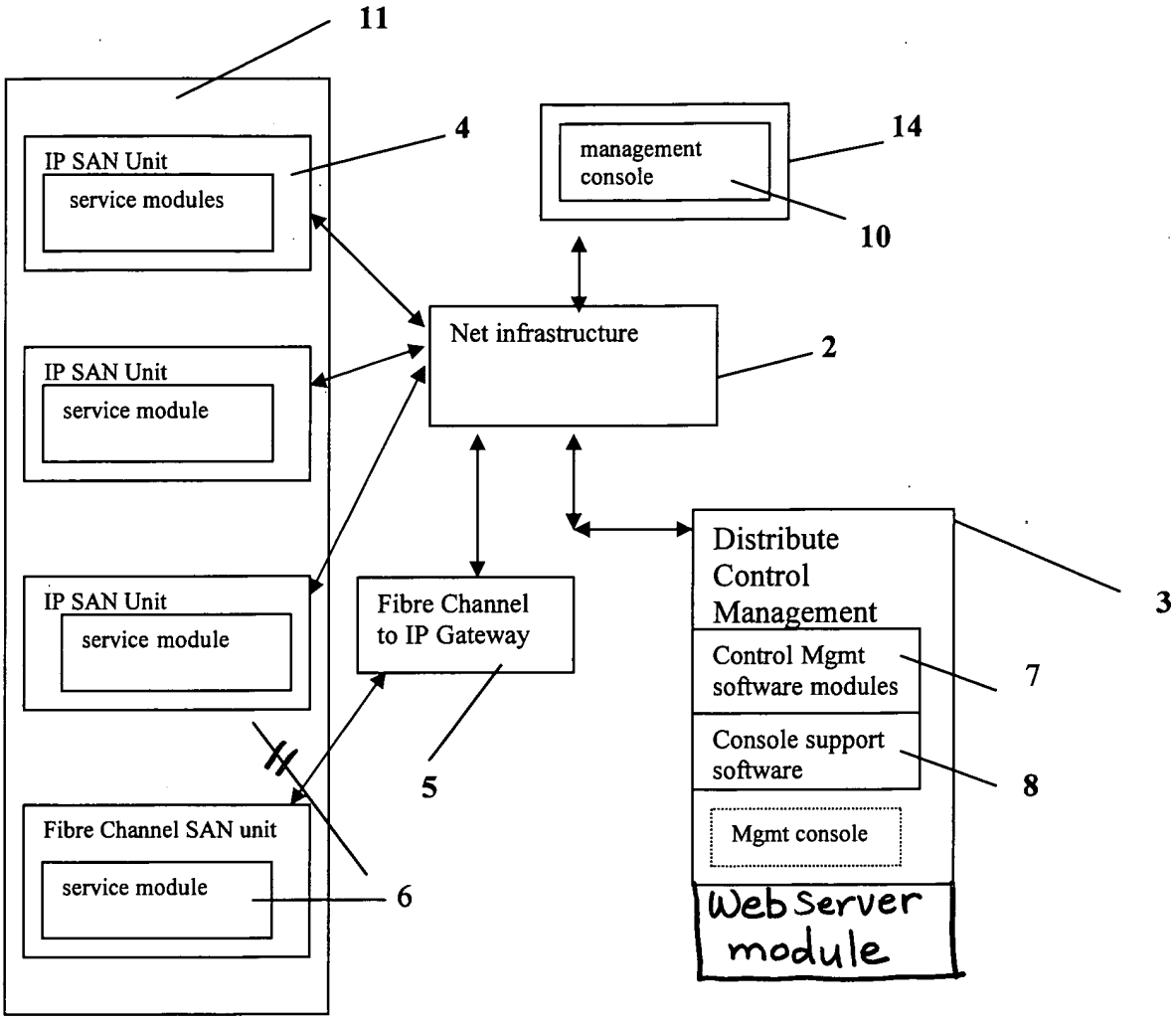

Fig. 2

REMARKS

The Office Action dated December 4, 2006 has been carefully reviewed and considered. Claims 1-38 are currently pending. Claims 1-38 stand rejected.

In the foregoing Amendments, Claims 1-38 have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 39-75 have been added and the support for these amendments can be found in the specification and claims of the application as filed. No new matter has been added. Claims 39-75 are currently pending.

Applicant respectfully requests entry of the foregoing Amendments and reconsideration of the present application in light of the amendments above and the remarks below.

Drawings

With respect to the above-identified patent application, enclosed herewith for filing are four (4) sheets of Corrected Drawings (replacement sheets and annotated sheets). In review, Applicant noticed that reference line from reference number 6 of FIG. 1 and web server module of distribute control management station 3 of FIG 2 were incorrect. Applicant submits concurrently herewith, two copies of redlined drawing changes and replacement sheets.

Claim Rejection - the 35 U.S.C. §112, first paragraph

The Office Action has rejected claims 1-38 under 35 U.S.C. § 112, first paragraph, as failing to comply with enablement requirement. The Office Action further asserts that the claim(s) contains subject matter which was not described in the specification in such a way

as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and /or use the invention.

Claims 1-38 have been canceled and new Claims 39-75 have been added. Applicant believes that pending Claims 39-75 contain subject matter which is supported by the amended specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and /or use the subject matter which Applicant regards as the invention.

Claim Rejection - The 35 U.S.C. §112, Second Paragraph

The Office Action has rejected Claims 1-38 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 1-38 have been canceled and new Claims 39-75 have been added. Applicant believes that pending new Claims 39-75 are particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Objection - Specification

The Office Action further objects the specification for improper contents. The Specification and Abstract have been amended. No new matter has been added. Applicant believes that amended specification should comply with 37 CFR 1.71-1.77 and MPEP §608.

The 35 U.S.C. §102 Rejection

The Office Action has rejected claims 1-38 under 35 U.S.C. § 102(e) as being anticipated by Brandshaw (U.S. 2003/0182422) ("Brandshaw"). Without admitting that

Brandshaw is prior art and reserving the right to establish that it is not prior art, Applicant respectfully traverses this rejection for the reasons below.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, M.P.E.P. §2131.

Applicant respectfully submits that Brandshaw does not anticipate the presently claimed invention because Brandshaw fails to disclose each and every element set forth in the claimed invention. For example, Claim 39 of the present invention recites in part:

> establishing a virtual SAN storage pool in response to said status information including a spare IP SAN unit;

Emphasis added. In other words, the present invention discloses a technique of establishing a virtual SAN storage pool in accordance with the status information from various IP SAN units including the spare IP SAN unit.

Applicant believes that Bradshaw does not disclose or suggest establishing a virtual SAN storage pool including spare IP SAN units. Since Bradshaw has failed to disclose each and every element set forth in Claim 39, Claim 39, at least for this reason, should be patentable over Bradshaw under 35 U.S.C. §102. Since independent Claims 51 and 56 contain similar limitations as Claim 39, Claims 51 and 56 should also be patentable over Bradshaw.

If the independent claims are valid, the claims that depend from the independent claims should also be valid as matter of law. See Jenric/Pentron, Inc. v. Dillon Co., 205 F.

3d 1377, 1382 (Fed. Cir. 2000).). Since Claims 40-50, 52-55, and 57-75 depend on allowable independent Claims 39, 51, and 56, respectively, Claims 40-50, 52-55, and 57-75 should also be patentable as matter of law.

Conclusion

Based on all of the above, Applicant believes all claims now pending in the present application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. No additional fees are believed to be due at this time.

Applicant thanks the Examiner for carefully examining the present application and if a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Jim Wu at (408)260-3212.

Respectfully submitted,

FOUNTAINHEAD LAW GROUP, PC

Dated: March 5, 2007

James M. Wu
Reg. No. 45,241

FOUNTAINHEAD LAW GROUP, PC
900 Lafayette Street, #509
Santa Clara, CA 95050
Tel. (408) 260-3212

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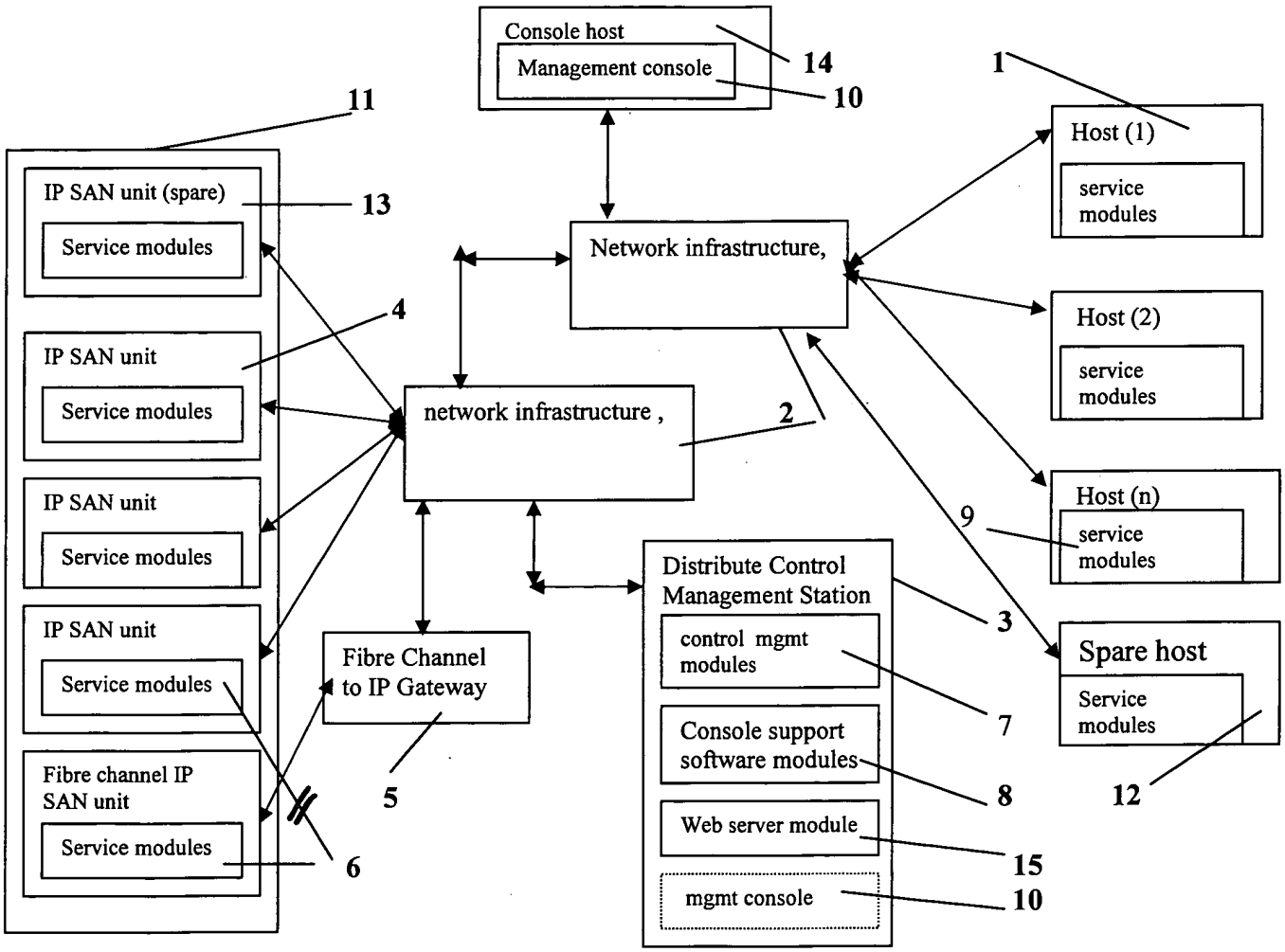

Fig. 1

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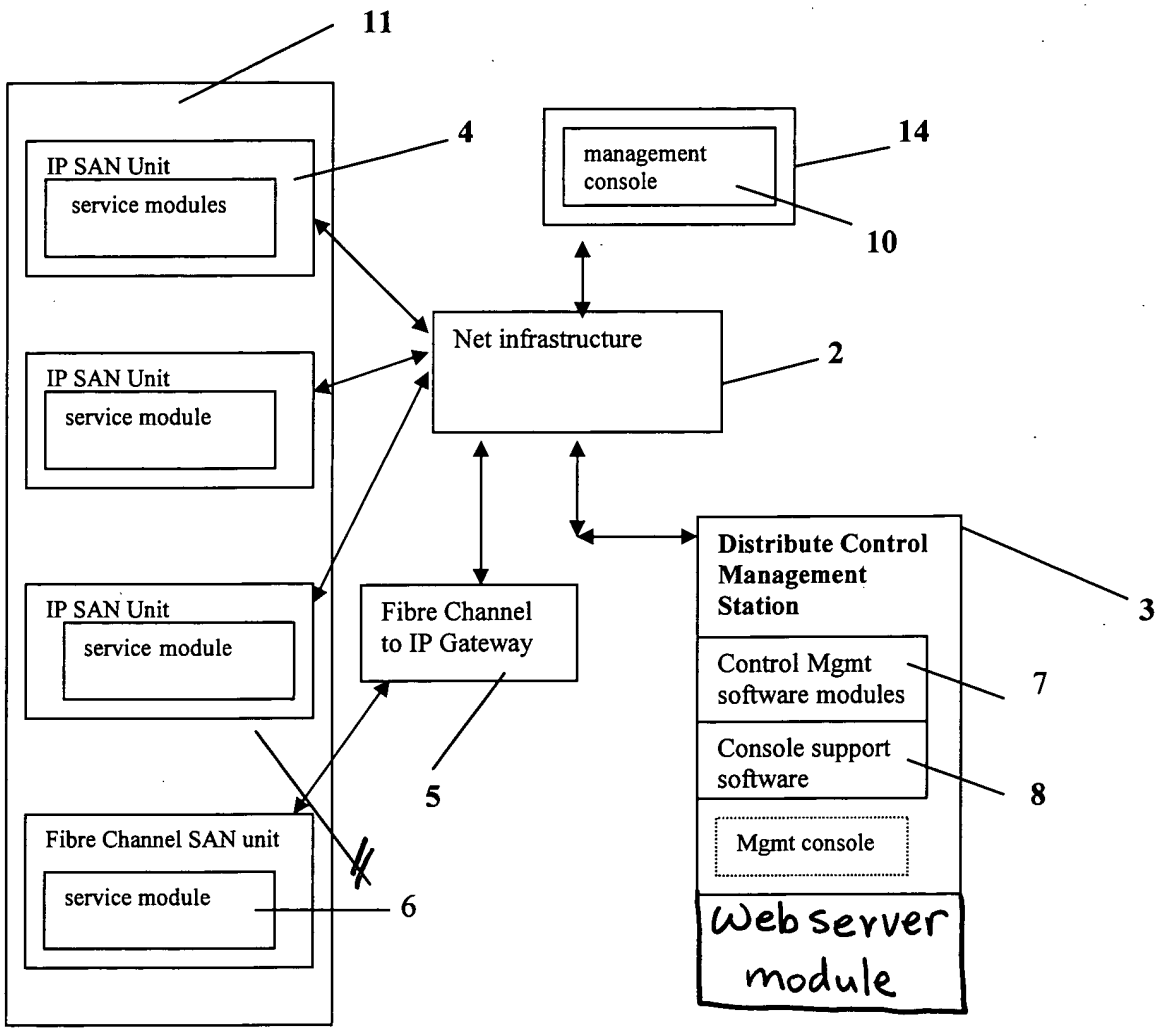

Fig. 2

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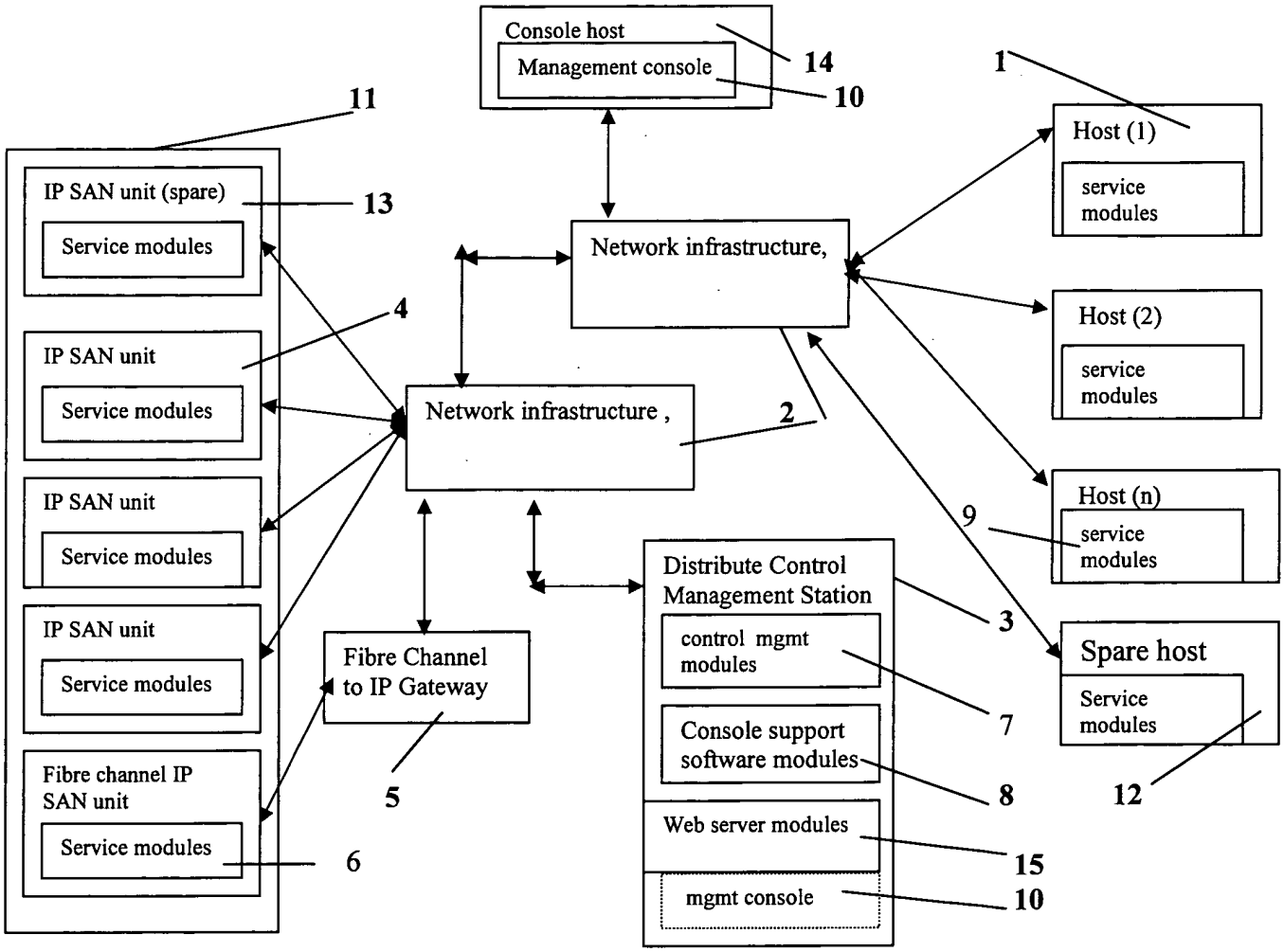
REPLACEMENT SHEET

Distributed Virtual SAN Infrastructure



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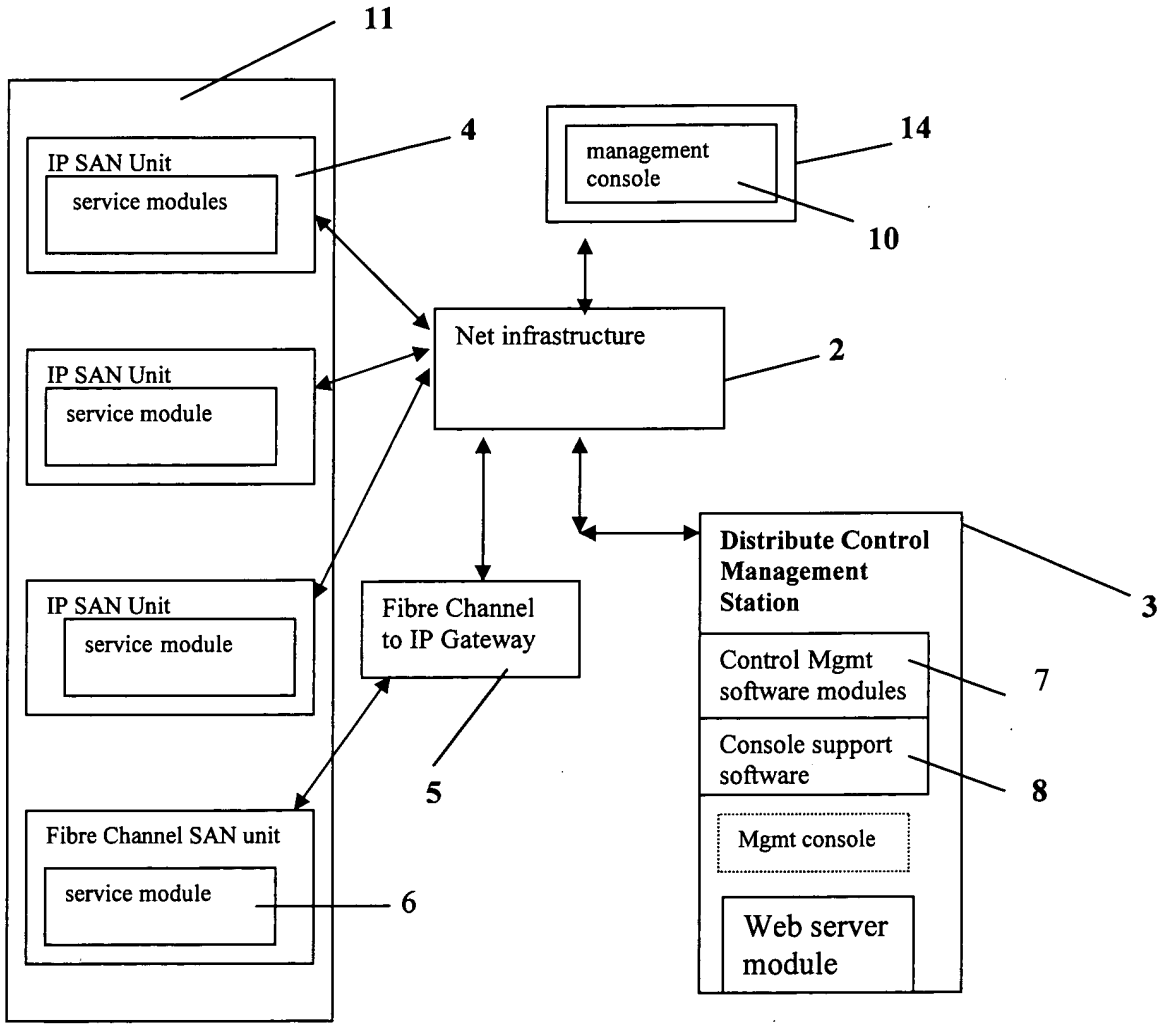

Fig. 2